App. F. IX-4

1950-51
(CB)

File No. 37-50.

Serial Nos. 1

Previous References.

CB 253-49-4

~~S.R.~~ & S 150-49-2

Later References.

CB 494 533 a/52-53

Law & 38.55-(1-4)

GENERAL AND REVENUE SECRETARIAT

Serial Nos. one

✓

Part B for April 1950

SUBJECT

Issue of Government Orders and notifications issued by this Govt.

No. 457-766/CB 37-50-1 D. 18.4.50

To

The Secretaries to Govt.
Copies to Branches.

Tan 12/9/50.

NO. 757-766/CS DATE/ 18th April 50
37-56-1

OFFICIAL MEMORANDUM.

REF: O.M.No.9986/C.B.253-49-2 dated 4th February 1950.

N.O
For notes Portion.
Please refer
CB file no 253-49-4.
Recorded Separately
for
12/9

As some doubts have been expressed as regards the use of the forms of Government Order indicated in the above Official Memorandum, the following clarification is issued:-

In view of the provision in the Constitution under Article 166(1) read with Artice 238(1), the use of the word "Government" in Government Orders of whatever kind to express executive action should be avoided. Whenever reference to "Government" has to be made for the purpose, the words "His Highness the Maharaja of Mysore" should be used. Whenever the latter words are used in Government Orders, the ending should always be "By Order of H.H. the Maharaja of Mysore".

In ordinary Government Orders relating to the grant of allowances, conveying sanction to increase in pay, etc., these longish forms are not necessary. But as it would be inappropriat to use the word "Government"as was being done before, the following impersonal form may be used Instead of "Government direct (or are pleased to direct) that the pay of Sri ..... be raised to Rs. ..... etc," the form "the pay of Sri ..... is raised to Rs. ..... etc," or "Sanction is accorded to raising the pay of Sri ..... etc." may be adopted.

p.t.o.

Secretaries to Government are pequasted to see that these new forms are used correctly in all Notifications and Orders of Government.

17.4.50

Chief Secretary to Government.

15/4/50

The Secretaries to Government.

Copies to Branches..

12.4.50

GOVERNMENT OF MYSORE.

No.757-766/C.B.37-50-1. General and Revenue Secretariat,

Dated, Bangalore, the 18th April 1950.

OFFICIAL MEMORANDUM.

Reference:- Official Memorandum No.9986/C.B.253-49-2 dated 4th February 1950.

-oOo-

As some doubts have been expressed as regards the use of the forms of Government Orders indicated in the above Official Memorandum, the following clarification is issued:-

In view of the provision in the Constitution under Article 166 (1) read with Article 238 (1), the use of the word, "Government" in Government Orders of whatever kind to express executive action should be avoided. Whenever reference to "Government" has to be made for the purpose, the words, "His Highness the Maharaja of Mysore" should be used. Whenever the latter words are used in Government Orders, the ending should always be "By Order of His Highness the Maharaja of Mysore."

In ordinary Government Orders relating to the grant of allowances, conveying sanction to increase in pay, etc., these longish forms are not necessary. But as it would be inappropriate to use the word "Government" as was being done before, the following impersonal form may be used. Instead of "Government direct (or are pleased to direct) that the pay of Sri ..... be raised to Rs..... etc," the form "the pay of Sri ..... is raised to Rs..... etc, " or "Sanction is accorded to raising the pay of Sri ..... etc," may be adopted.

Secretaries to government are requested to see that these new forms are used correctly in all Notifications and Orders of Government.

CHIEF SECRETARY TO GOVERNMENT.

To

The Secretaries to Government.

Copies to Branches)

NVR/-

Extract of the notes in the file read above

2396/SR

Submitted.

1) Enquiries were made in C.B. and it was ascertained that in the Government orders, unless the appointment schemes etc. are sanctioned by His Highness, the old form of "Government are pleased" may be continued to be used in the order portion.

2) With regard to the Notifications, in the body of the Notifications, "His Highness the Maharaja of Mysore" has to be used and in place of "By Order", "By Order of His Highness the Maharaja" has to be used.

3) The draft G.O. put up is revised accordingly and submitted for approval.

4) But I notice that the expression "H.H. the Maharaja of Mysore is pleased....." is being used now in G.O.s put up by the Branch. Please clarify and put up copies of orders.

Id/K.S.
6/3.

5) Submitted with copies of O.M.

6) It may kindly be clarified whether the express "Gover are pleased ..." may continue to be used in G.Os of the in this file which are not issued under a statute, or whet the expression "H.H. the Maharaja is pleased to....." a "By Order of H.H. the Maharaja" at the end, should be use in all orders and notifications issued by Government.

Id/KS
18/3

Assistant Secretary,
C.B.w/cs.

Submitted.

7) Strictly speaking the words "His Highness the Maharaj appear to be necessary in all orders and notifications issued by Government wherever the word "Government" was fo merly used. "By Order of His Highness the Maharaja" may perhaps be used only in such Notifications, Official Memor etc., in which the words "By Order" were formerly used.

In view of the specific provision in the Constitution under Art. 166 (1) read with Art. 238 (1) requiring that all executive action of the State shall be expressed to be taken in the name of the Rajapramukh of the State, it would not perhaps be appropriate to use the words "Government are pleased to.....or Government direct.....etc." as was being done before, and that the correct form would be "His Highness the Maharaja of Mysore is pleased to..... or His Highness the Maharaja directs.....etc., and that this applies to all Government orders. This is, however, too cumbrous for daily use, but is perhaps inevitable, and will be confirmed, if approved.

9) As regards "By Order of his Highness the Manaraja", the full form should perhaps be "By Order of His Highness the Maharaja of Mysore". It is not clear whether the shortened form "By Order" will not do as before, the rest of the words being implied. If approved, the Legislative Department may be consulted on the point.

10) The opinion of the Leg. Branch may be called for in the first instance.

Id/ KMR

Chief Secretary) ...

11) I thought we had obtained advice on this matter from Madras and Delhi. Please search out the references (probably in the Republic Day File)

Id/ KS
24/3/1950.

C.B. collectionNo. 253-49-1 & 3 is put up herewith. CB llection No. 253-49-2 is not available. Meanwhile the -e may be sent to the S.R. Branch for issue of orders fore 1st of April 1950. If approved, the points raised the Assistant Secretary, S.R. Branch may be considered ter.

(13) Id/KMR
29/3/1950

Asst. Secretary,
Spl.Rev.w/cs.

14) Pending a decision on the point raised in the file, the draft G.O. in the file may issue, retaining the form "Government are pleased to....."

Id/ K.S.
29/3

Dev. Secretary.

Issue -
(15) Id. J.R.
29/3

16) Fair copies of G.O. are put up for favour of signature. The file may kindly be marked to theFinl. Secretariat.

(17) Id. K.S.
30/3

Asst. Secretary,
Fl.Br. w/cs.

(18) Fl. Com. No. 5491

Fl. Secretary has disagreed

(19) Ref. Para 16 & 19 Supra.

(20) Issue.

Id. BK
31/3/50.

Revising the scale of pay of the carpenter, Akashvani.
(Form of Government orders to be issued)

Issued G.O. No. S.R. 4224-25/P&T 50-49-2 dated 30th March 1950 to the Director, Akashvani and Comptrolle through F.D. sanctioning the revised grade of Rs.40-2-60 to the Carpenter, Akashvani, with effect from 1st Sept.19

NOTIFICATION.

No. 9847—C. B. 253-49-1, (Camp) Mysore dated, 26th—28th January 1950.

Under clause (2) of Article 166 read with clause (1) of Article 238 of the Constitution of India, His Highness the Maharaja of Mysore has been pleased to make the following rules namely :—

Rules.

1. All Orders or Instruments made or executed by order or on behalf of the Government of Mysore shall be expressed to be made by or by order of His Highness the Maharaja of Mysore.

2. Save in cases where an officer has been specially empowered to sign an order or instrument of the Government of Mysore, every such order or instrument shall be signed by either a Secretary, an Under Secretary or an Assistant Secretary to the Government of Mysore and such signatures shall be deemed to be the proper authentication of such order or instrument.

K. SRINIVASAN,
Chief Secretary.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

GEN. & REV. SECTT.
SEP 3 1950
SPECIAL BRANCH.

Special No. 9935-44/C.B.
244-49-3

GOVERNMENT OF MYSORE,

General and Revenue Secretariat

Dated, Bangalore, 1st February 1950.

Official Memorandum.

REFERENCE: Article 153 read with Articles 238 (1) and 366 (21) (b) of the Constitution of India.

Secretaries to Government are informed that it is not necessary to substitute the words "Rajpramukh of Mysore State" for "His Highness the Maharaja of Mysore" and that the existing mode of reference to His Highness may be continued.

By Order,

K. SRINIVASAN,
Chief Secretary to Government.

To--The Secretaries to Government.

S.O.

GOVERNMENT OF MYSORE

General and Revenue Secretariat

No.11861-11870/
C.B.244-49-4

Dated, Bangalore, 9th March 1950.

OFFICIAL MEMORANDUM.

SUBJECT:--Using the words "His Highness the Maharaja of Mysore" for "Rajpramukh of Mysore" Article 153 read with Article 238(1) and 366(21)(b) of the Constitution of India.

The attention of the Secretaries to Government is once again drawn to Official Memorandum No.9935-44/C.B. 244-49-3, dated the 1st February 1950, and to Official Memorandum No. 9986-9995/C.B.253-49-2, dated the 4th February 1950.

In spite of the clear instructions in the above Official Memorandum it is seen that certain Branches of the Secretariat, are using the words "Rajpramukh of Mysore State" in Notifications issued by them.

As some doubts had been expressed whether the words "His Highness the Maharaja of Mysore" could be continued to be used as before, the matter was once again referred to the Government of India and it is now authoritatively stated by them. that the term "Maharaja of Mysore" may be used in all Orders, Instruments, etc., issued by or under the authority of the Head of the State.

The Secretaries to Government are therefore requested to see that only the term "His Highness the Maharaja of Mysore" are used in all Orders, Instruments, etc., and that innovations like "By Order of H. H. the Rajpramukh of Mysore" and other variations of the same are strictly avoided.

By Order of
His Highness the Maharaja,
K. SRINIVASAN,
Chief Secretary to Government.

To--The Secretaries to Government.

Fort St. George Gazette

Dy. 4/4/50.

To

The R.S. Library.

Recd one gazette only.

28/4/50.